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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Gerald Klebe

Appellant: Nick Bromer

GAU: 3618

Title: DORSIFLEXION SKATE BRAKE

Serial No.: 09/995,097

Filed: Nov. 27, 2001

This paper: March 7, 2005

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

This paper is response to the non-final Office Action mailed on February 8, 2006. Claim 5 is amended and the other claims are canceled without prejudice to reentry and their subject matter is re-entered via new dependent claims. The claim amendments start on page 3.

REMARKS

[1-2] Re-opening of prosecution is respectfully traversed for the record. However, as it is now reopened, the Applicant amends the claims. The amendment to claim 5, reciting brake action "a toe motion consisting of an upward rotation of at least one phalanx bone of the toe relative to at least one metatarsal bone of the foot, while the user's foot is on the position," is supported in the specification at page 4, lines 22-25, and in the drawing. New claim 34 is supported at page 10, line 15. New claim 40 is supported in the overall disclosure. The new claims are patentable for not being disclosed or suggested by the applied prior art.

[3-4] Claims are rejected over Carlsmith. This rejection is respectfully traversed. Carlsmith does not disclose the subject matter of claim 5 as now amended.

[5] Claims were rejected over Hoskins. This rejection is respectfully traversed. Hoskins does not disclose the subject matter of claim 5 as now amended.